



SEXTING BILL INTRODUCED TO TEXAS LAWMAKERS

by Texas Attorney General Greg Abbott

AS MORE AND MORE YOUNG TEXANS acquired mobile phones of their own, a troubling new practice has developed: sexting. This occurs when teenagers send sexually explicit images of themselves to one another via text message. Until recently, Texas law has not caught up to this new phenomenon, but state Sen. Kirk Watson and I have teamed up to propose a common-sense solution that discourages young Texans from sexting – but also ensures that a youthful mistake doesn't have lifelong consequences.

Current Texas law does not have an appropriate remedy to address teen sexting. Right now, educators, parents and law enforcement officers who encounter teens' explicit text messages really only have two options. Adults can either ignore teen sexting or have kids charged with violating the state's strict child pornography statute – which applies because explicit images of minors constitute child pornography, even if they are sent by a minor. Because child pornography possession and distribution is a felony, convicted youths face prison time and lifetime registration as a sex offender.

Sen. Watson and I recognized that law enforcement, parents and educators need an alternative remedy that would discourage children from sexting but

not ruin their young lives. We also knew that sexting typically involves willing parties – teenagers giving in to their adolescent impulses, with no understanding of their actions' long-term consequences.

Under Senate Bill 407, which Sen. Watson filed last month, the goal is to educate, not criminalize, teenage sexters. If enacted, SB 407 would protect kids from themselves – from an instance of bad judgment that could haunt them for life. The bill would also ensure that minors are held responsible for their improper behavior but do not face life-altering criminal charges.

Under the bill, first-time violators under the age of 18 would face a Class C misdemeanor for sexting. Prosecutors could upgrade the offense to a Class A or B misdemeanor for teens with multiple sexting convictions. Judges would be authorized to sentence minors convicted of sexting to an education program – rather than prison. This educational alternative would teach young offenders about sexting's long-term harmful consequences. SB 407 also establishes a safe harbor that allows recipients of sexting messages to avoid prosecution if they report the images to authorities within 48 hours.

In addition to substituting incarceration with education, SB 407

would also allow teens to expunge a sexting offense from their criminal records. As a result, young offenders will be allowed to apply for college and move forward with their lives without the stigma of a criminal conviction.

Sen. Watson's bill also aims to educate young Texans about sexting's serious and harmful consequences. SB 407 requires the Texas School Safety Center, in consultation with the Attorney General's Office, to create a sexting educational program by Jan. 1, 2012. The Center must make the program available to all school districts, which would be authorized to offer the program to students each year.

SB 407 proposes a modern, common-sense solution to a uniquely 21st century problem. This bill ensures that law enforcement and judges can prevent sexting among teenagers. Texas children need to understand that sexting is not acceptable – or legal. Trading sexually explicit images by mobile phone can forever affect their lives.

Sen. Watson and I worked hard to craft a solution to sexting that holds young offenders accountable – but leaves room for them to correct their mistakes and still have a chance for a bright future.

– March 2011

POINTS TO REMEMBER



SEXTING DANGERS

Before pressing "Send," teens should consider these tips:

- Sexting is against the law in Texas.
- Do not assume anything sent or posted is going to remain private.
- Anything sent or posted in cyberspace will never truly go away.
- Do not give in to the pressure to do something that causes discomfort, even in cyberspace.
- Consider the recipient's reaction.
- Nothing is truly anonymous.

To access Senate Bill 407, visit Texas Legislature Online at www.capitol.state.tx.us.

For more information on this and other consumer topics, visit the Attorney General's Office online at www.texasattorneygeneral.gov.



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT